UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/665,921	09/20/2000	Jim Barton	TIVO0024	8519

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EXAMINER
VENT, JAMIE J

ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/665,921	BARTON ET AL.
	Examiner	**Art Unit**
	JAMIE JO VENT	2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14,28-41 and 55-68* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-14,28-41 and 55-68* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date *12/21/07;3/12/08;3/25/08*.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Furthermore, applicant argues that the prior art of record fails to disclose "detecting frame-specific tags inserted into said broadcast stream" as recited in Claim 1. It is noted that Shoff et al teaches the detection and processing of frame specific tags as described in paragraphs 0085-0091. The system provides interactive data to be provided through frame specific tags and triggers.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-10, 12-14, 28-37, 39-41, 55-64, and 66-68 are rejected under 35 U.S.C. 103(a) as being unpatentable by Zigmond et al (US 6,400,407) in view of Browne et al (WO 92/22983) in further view of Shoff et al (US 2004/0210824).

[claims 1, 28, & 55]

In regard to Claims 1, 28, and 55 Zigmond et al discloses a process and apparatus for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising the steps of:

- tuning said receiver to a broadcast stream (Column 2 Lines 40-51 describes the tuning of the receiver to receive the broadcast stream);

- receiving said broadcast stream at said receiver (Column 4 Lines 20-30);

- detecting and processing tags in said broadcast stream (Column 6 Lines 1-25 discloses the detecting and processing of tags into the broadcast stream);

- wherein said processing step performs the appropriate actions in response to said tags (Column 6 Lines 42-62 describes the processing step that performs appropriate actions); and

- wherein said tags include command and control information (Column 6 Lines 42-62 describes that tags include command and control information as further described in Column 9 Lines 63+ through Column 10 Lines 1-34); however, fails to disclose

  o storing said broadcast stream on said storage device;

  o displaying program material in said broadcast stream from said storage device to a viewer;

  o detecting and processing of frame specific tags in the broadcast stream; and

  o wherein said processing step performs appropriate actions in response to said tags which include command and control information instructing the receiver to perform certain actions.

Browne et al discloses a system wherein data is stored on a storage device as seen in Figure 1 and discussed on Pages 5-6. Additionally program material both live and stored contents are displayed to the user as seen in Figure 1 and discussed on Page 13. The system by storing programs for displaying and reproducing allows the system to be easily controlled by the user of recorded and live programs and thereby allows for an interactive set-top box. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use the broadcast system, as disclosed by Zigmond, and further incorporate a system that allows the storing of both live and recorded content for viewer playback, as taught by Browne et al, to allow the system to be easily controlled and interactive for the user.

Zigmond in view of Browne et al discloses a system for storing material; however, fails to disclose the use of frame specific tags. It is further taught by Shoff et al the detection and processing of frame specific tags as described in paragraphs 0085-0091. The system provides interactive data to be provided through frame specific tags and triggers. For example, a frame specific HTML tag is presented at a targeted location . The system provides a targeted tagged source (a web page) that appropriate actions are taken upon the detection of the tag. The interactive entertainment system provides digital data with a targeted source to provide content to be displayed on the broadcast stream as described in paragraphs 0085. Additionally, it is well known in the art to use frame specific tags to mark text, graphics, and graphical user interfaces with web pages. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the tagging system, as disclosed by Zigmond et al in

view of Browne, to allow for proper storage of the broadcast signal and further

incorporate the tagged broadcast signal to include command and control information, as

taught by Shoff et al, to allow for the system to receive instructions based on the

individual broadcast segments and thereby making a more efficient broadcasting

method.

[claims 2, 29, & 56]

In regard to Claims 2, 29, and 56 Zigmond et al in view of Browne discloses a process

and apparatus wherein tags indicate the start and end points of a program

segment(Column 6 Lines 59-61 describes the start and end times that are included in

the tags); however, fails to specifically disclose that the start and end points of the

program segment are within a broadcast stream. Shoff et al teaches that the start and

end points of the event markers are placed within the broadcast stream as seen in

Figure 7. The system extracts the presentation information in order to properly form

and disclose program boundaries. Therefore, it would be obvious to one of ordinary

skill in the art at the time of the invention to use the tagging system as disclosed by

Zigmond in view of Browne, and further incorporate the tags to be present in a

broadcast stream, as taught by Shoff.

[claims 3, 30, & 57]

In regard to Claims 3, 30, 57, Zigmond et al discloses process and apparatus wherein

said displaying step skips over said program segment in response to the viewer

pressing a button on a remote input device (Column 5 Lines 19-27 describes the

displaying step that skips over the program segment in response from the user via the
remote).

[claims 4, 31, & 58]

In regard to Claims 4, 31, and 58, Zigmond et al discloses a process and apparatus
having a displaying step automatically skips said program segment (Column 9 Lines 35-
63 describes the step of automatically skipping the program segment).

[claims 5, 32, & 59]

In regard to Claims 5, 32, and 59 Zigmond et al discloses a process and apparatus
processing step displays a menu to the viewer based on information included in a tag
(Column 5 Lines 25-27 describes the menu that is displayed to the user regarding
tagged information).

[claims 6, 33, & 60]

In regard to Claims 6, 33, and 60, Zigmond et al discloses a process and apparatus
wherein the processing step records the current program in the broadcast stream on
said storage device based on information included in a tag (Column 9 Lines 35-63
describes the processing step that records the current program in the broadcast stream
on the storage device based on the information included in the tag).

[claims 7, 34, & 61]

In regard to Claims 7, 34, and 61 Zigmond et al discloses a process and apparatus
wherein the processing step further comprising the steps of:

- displaying, allowing the viewer to scroll, and performing an action associated with the multiple icons (Column 9 Lines 9-33 describes the multiple icons that are accessible to the viewer);

- accepting viewer input information and selecting a particular icon based on the viewer's input (Column 5 Lines 19-27 describes the viewer accepting the input information and selecting a an icon based on the viewers input).

[claims 8, 35, & 62]

In regard to Claims 8, Zigmond et al discloses the process and apparatus comprising the steps of:

- wherein said processing step displays an icon to the viewer based on information included in a tag (Column 9 Lines 9-33 describes the process of displaying an icon to the viewer based on information included in the tag);

- accepting viewer input information and interacting with the viewer based on the tag information (Column 5 Lines 19-41 describes the accepting of the input information and interacting with the tag information);

- wherein said displaying step saves the exit point in the program material (Column 9 Lines 9-61 describes the display steps that saves the exit point of the program material); and

- wherein the viewer is returned to said exit point upon completion of any interaction (Column 9 Lines 9-61 additional describes the return to the program material).

[claims 9, 10, 36, 37, 63, & 64]

In regard to Claims 9, 10, 36, 37, 63, and 64 Zigmond et al discloses the process and apparatus further comprising the steps of:

- presenting a plurality of menus to the viewer for generating a lead (Figure 9 Lines 9-32 describes the presenting of plurality of menus to viewers for generating a lead on advertisements); and

- forwarding the viewer's contact information to a third party upon viewer approval (Figure 1 shows the bi-directional communication that happens from the server unit to the user which forwards appropriate information and furthermore is described in Column 4 Lines 49-65).

[claims 12, 39, & 66]

In regard to Claims 12, 39, and 66 Zigmond et al discloses a process and apparatus further comprising the steps of:

- presenting the content of a Web site's Web Page to the viewer in response to the viewer's input wherein the viewer is allowed to interact with the web site (Column 7 Lines 40+ describes the presenting of web site information to the viewer).

[claims 13, 40, & 67]

In regard to Claims 13, 40 and 67 Zigmond et al discloses a process and apparatus

wherein said tags allow

a system administrator to remotely configure said receiver (Figure 1 shows the bi-

directional communication allowing a system administrator to remotely configure and

receive content through the receiver.)

[claims 14, 41, & 68]

In regard to Claims 14, 41, and 68 Zigmond et al discloses the process and apparatus

further comprising the steps of:

- marking indexes in said program material based on tag information and

  jumping to an index selected by the viewer (Column 8 Lines 37-64

  describes the marking of indexes of the program material based on tag

  information and jumping to an index selection by the viewer).

Claims 11, 38, and 65 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Zigmond et al (US 6,400,407) in view of Browne et al (WO 92/22983) in further view of

Shoff et al (US 2004/0210824) in further view of Dunn et al (US 5,648,824).

[claims 11, 38, & 65]

In regard to Claims 11, 38 and 65, Zigmond et al in view of Browne et al in further

view of Shoff et al, discloses the process and apparatus for frame specific tagging of

television audio and video broadcast streams with tag translation; however, fails to

discloses the presenting a set of program recording options to the viewer; and

scheduling the viewer's recording preferences.

Dunn et al discloses a system that has user interface allowing video controlling through options such as playback, record, fast forward, etc. It is seen in Figure 3 the user views information regarding the program and thereby schedules the recording preferences as further described in Column 5 Lines 27-65. Thereby allowing the user to choose various programming options when setting a recording schedule which allows for more accurate recording schedules. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use a system of tagging broadcast streams, as disclosed by Zigmond et al in view of Browne et al in further view of Shoff et al, and further incorporate a system which provides user the information regarding recording of the programs, as disclosed by Dunn et al.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Barton (US 2005/0278747).

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamie Vent whose telephone number is 571-272-7384. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jim Groody can be reached on 571-272-7950. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

/John W. Miller/
Supervisory Patent Examiner, Art Unit 2623

/J. J. V./
Examiner, Art Unit 2621